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REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has objected to the drawings. Claims 4, 5, and 10 have been canceled to overcome this objection.

The Examiner has objected to the specification. The specification has been amended to overcome this rejection.

The Examiner has objected to claim 10. Claim 10 has been canceled without prejudice.

The Examiner has rejected claims 4, 5, and 10 under 35 U.S.C. 112 first and second paragraphs. Claims 4, 5, and 10 have been canceled without prejudice.

The Examiner has rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,682,740 to Kawamura. The Examiner has also rejected claims 1-4 and 6 and 7 under 35

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U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,863,311 to Nagai et. al.

Claim 1 has been amended. In particular, the amendments to claim 1 are supported in FIGS. 1-5, in the specification on page 7 last paragraph, and also on page 8 first paragraph. In addition, the feature of the shape of the filter plates is disclosed in the description on page 2, lines 15-17 and on page 8, lines 11 and 12.

It is respectfully submitted that the above amendments to the claims now provide a set of claims that are patentable over the above cited subject matter. Kawamura discloses a diesel particulate apparatus comprising ceramic fiber materials, metal nets disposed on one side of each fiber material and porous catalytic sinters disposed on the other side thereof. These porous sinters are shaped as tubes having pleated portions that are jagged on the outer surface thereof and the ceramic fiber material may be filled between the pleated portions of the porous sinters. An example of the latter embodiment is shown in FIGS. 2 and 8-10. As shown for example in FIG. 2, the corresponding filter body has a pleated tubular form according to a star-like

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cross-section. The filter body is constituted of a silicon carbide ceramic fiber material and metal nets are laminated on the two surfaces of the filter body to provide a sandwich structure as shown in FIG. 3 see also col. 7, line 56-60.

Even if the inner and outer sides of the pleated filter body could be regarded as inner and outer sides of corresponding filter pockets, the structures differ considerably from the filter as claimed in amended claim 1. In particular, in Kawamura, the filter pockets are arranged circularly and not one after another and extend in a longitudinal direction. Furthermore, the apparatus of Kawamura comprises a tubular porous filter body with a star-shaped cross-section instead of filter plate elements coupled to each other on their outer and inner periphery. Therefore, Kawamura does not anticipate a filter as defined in amended claim 1.

Nagai et. al. discloses a particulate trap with longitudinally extending exhaust incoming and outgoing spaces defined alternately between adjacent filters by alternately closing the inlet and outlet spaces between the adjacent filter (col. 3, line 7-15). According to FIGS. 3A, 3B, 7 and 14A, 14B

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adjacent filters can be connected together at their respective one and the other end (col. 7, lines 39, 40). According to FIG. 11 the filters may comprise catalyst layers at both sides.

With respect to claim 1, vs. the disclosure of Nagai et. al. the filter assembly of Nagai et. al. according to FIGS. 3A, 3B, 7 and 14A, 14B exhibits a plurality of tapered column-shaped filters arranged concentrically (col. 7, line 35-44) in contrast to the filter plate rings shaped as dishes and being arranged alternately parallel to each other as stated in claim 1. Even if it is assumed that the filter assembly of Nagai et. al. exhibits filter pockets having inner and outer sides, the filter assembly according to claim 1 differs from the particulate trap of Nagai et. al. by the plurality of filter plate elements coupled to each other on their outer and inner periphery. Therefore, it is respectfully submitted that the filter assembly of claim 1 is not anticipated by Nagai et. al.

Furthermore, the Examiner has rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,863,311 to Nagai et. al. in view of U.S. Patent No. 5,682,740 to Kawamura.

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As the filter assemblies of Kawamura and Nagai et. al. differ considerably from the filter as claimed in claim 1, even a combination does not lead to the invention according to claim 1. Therefore, it is respectfully submitted that the invention according to claim 1 is patentable. It is respectfully submitted that because both references to Kawamura and Nagai et al differ considerably from claim 1, and because there is no suggestion to combine these two references to arrive at the invention of claim 1, independent claim 1 and dependent claims 11-29 are patentable over the above cited references taken either singly or in combination.

In conclusion, claim 1 has been amended. Claims 2-10 have been canceled without prejudice. Claims 11-29 have been added. The Amendment to claim 1 and new claims 11-29 are supported by the disclosure so no new matter has been added. For example, claim 11 is supported in the specification on page 2 line 16; claims 12 and 13 are supported on page 4, lines 14 and 15; claims 14-17 are supported on page 5 lines 4-10 of the specification, claims 18-23 are supported in the specification on page 3 lines 4-10. Finally, claims 24-29 are supported in the specification on page 12 lines 15 and 16.

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Because the remaining claims 1, and 11-29 are patentable over the above rejections and cited references, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

It is respectfully submitted that no fee is due. However, the Commissioner is hereby authorized to charge any necessary fee or credit any payment to Collard & Roe, P.C.'s deposit account of 03-2468.

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Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

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I hereby certify that this correspondence is being sent by facsimile transmission to the U.S.P.T.O. to Patent Examiner Hien Tran at Group No.1764, to 1-703-872-9306 on December 31, 2004.

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